

Theodore P. Witthoft (State Bar Id No. 021632)
Alysse M. Medina (State Bar Id No. 027278)
COLLINS, MAY, POTENZA, BARAN & GILLESPIE, P.C.
201 North Central Avenue, 22nd Floor
Phoenix, Arizona 85004-0608
Telephone: (602) 252-1900
Facsimile: (602) 252-1114
Email: twitthoft@cmpbglaw.com
Email: amedina@cmpbglaw.com

Attorneys for Chapter 7 Trustee, Maureen Gaughan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:)	Chapter 7
WHISPERING WINDS PROPERTIES, LLC)	No. 2:08-bk-15620-RJH
and DAN WISE,)	No. 2:08-bk-15635-RJH
)	(Jointly Administered)
Debtors.)	APPLICATION TO EMPLOY
)	ASSET RECOVERY FIRM

The chapter 7 trustee, Maureen Gaughan ("Trustee"), by and through her attorneys Collins, May, Potenza, Baran & Gillespie, P.C., herewith submits her application to employ Edward Prior ("Mr. Prior") and his company, Prior and Associates, Inc. (the "Firm"), to potentially recover lost assets of the estates.

In support of her application, the Trustee states as follows:

1. Mr. Prior is a principal of the Firm, whose place of business is principally located at 191 University Blvd. #373, Denver, Colorado 80206.

2. Mr. Prior is qualified to assist the Trustee in this case. The Firm is licensed and bonded in Colorado and specializes in finding and recovering lost assets for individuals and corporations. Mr. Prior and the Firm have worked with numerous bankruptcy trustees and have found/recovered significant assets for the benefit of said estates.

3. The Firm has agreed to perform the services needed by the Trustee in these cases. The Firm shall charge ten percent (10%) of any proceeds recovered and actually paid to the Trustee.

4. The Trustee requests authorization to execute the “Lost Asset Recovery Agreement” attached hereto as Exhibit “A” and incorporated herein on behalf of the estates in order to effectuate the proposed employment of Mr. Prior and the Firm.

5. To the best of the Trustee's knowledge, neither the Firm, nor Mr. Prior, nor anyone connected with them, have an interest materially adverse to the interest of these estates or of any creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtors, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee or any person employed in the Office of the United States Trustee.

6. The Trustee asserts that the employment of Mr. Prior and the Firm is in the best interest of the estates since the employment of Mr. Prior and the Firm will allow for the potential recovery of assets for the benefit of the estates and their creditors.

WHEREFORE, the Trustee respectfully requests that this Court authorize the execution of the attached agreement hiring Mr. Prior and the Firm to perform such services as are necessary to recover certain lost assets of the estates.

Respectfully submitted,

COLLINS, MAY, POTENZA, BARAN & GILLESPIE, P.C.

By /s/ Alysse M. Medina #027278

Theodore P. Witthoft

Alysse M. Medina

Attorneys for Maureen Gaughan, Trustee

1 Copy of the foregoing
2 mailed this 7th day
3 of May, 2010, to:

4 United States Trustee
5 230 North First Avenue, Suite 204
6 Phoenix, Arizona 85003-1706

7 Maureen Gaughan
8 P.O. Box 6729
9 Chandler, Arizona 85246-6729
10 Trustee

11 Mark S. Bosco, Esq.
12 Leonard J. McDonald, Esq.
13 Tiffany & Bosco, P.A.
14 2525 East Camelback Road, Suite 300
15 Phoenix, Arizona 85016
16 Attorneys for Movant National City Mortgage

17 Whispering Winds Properties, LLC
18 8700 East Vista Bonita Drive, Suite 204
19 Scottsdale, Arizona 85255
20 Debtor

21 Dan Wise
22 Booking Number P608139
23 Lower Buckeye Jail
24 3250 West Lower Buckeye
25 Phoenix, Arizona 85009

26 Cynthia Wise
c/o Dan Wise
Booking Number P546107
Lower Buckeye Jail
3250 West Lower Buckeye
Phoenix, AZ 85009

1 Cynthia Wise
2 5311 East Acoma Drive
3 Scottsdale, AZ 85254

4 Jamie B. Chapman, Esq.
5 Belkin Burden Wenig & Goldman, LLP
6 270 Madison Avenue
7 New York, New York 10016

8 Lisa Young
9 PO Box 4432
10 Santa Barbara, CA 93140

11 Phyllis Secosky
12 118 Belvedere Drive
13 Mill Valley, CA 94941

14 Walter Secosky
15 770 Goose Creek Road
16 New Bern, CN 28562

17 Adam Friedman
18 4617 East La Costa
19 Chandler, AZ 85249

20 Elissa Friedman
21 2720 Balboa Street
22 San Francisco, CA 94211

23 Amir Abromov
24 1395 South Ocean Blvd., #804
25 Pompano Beach, FL 33062

26 Laura Lecuna
1395 South Ocean Blvd., #804
Pompano Beach, FL 33062

Jane Friedman
6422 East Lonesome Creek Trail
Cave Creek, AZ 85331

1 David B. Goldstein, Esq.
2 Kevin J. Rattay, Esq.
3 Hymson Goldstein & Pantiliat, PC
4 14646 North Kierland Blvd., Suite 255
5 Scottsdale, AZ 85254
6 Attorneys for Petitioning Creditors
7
8 John J. Fries, Esq.
9 Ryley Carlock & Applewhite
10 One North Central Avenue, Suite 1200
11 Phoenix, Arizona 85004-2206
12
13 Robert J. Berens, Esq.
14 Adam D. Melton, Esq.
15 Mann, Berens & Wisner, LLP
16 3300 North Central Avenue, Suite 2400
17 Phoenix, Arizona 85012-2513
18 Attorneys for Robin Schupp
19
20 Scott K. Brown, Esq.
21 Candida M. Ruesga, Esq.
22 Marvin Ruth, Esq.
23 Lewis and Roca, LLP
24 40 North Central Avenue, Suite 1900
25 Phoenix, Arizona 85004-4429
26 Attorneys for Gil Peled
27
28 Daniel I. Barness, Esq.
29 Spiro Moss Barness, LLP
30 11377 West Olympic Blvd., Fifth Floor
31 Los Angeles, California 90064
32 Attorneys for Creditor Daniel I. Barness
33
34 Scott B. Cohen, Esq.
35 Lorena E. Chavez, Esq.
36 Engelman Berger, PC
37 3636 North Central Avenue, Suite 700
38 Phoenix, Arizona 85012
39 Attorneys for Compass Bank
40

1 Ralph E. Preite, Esq.
2 Davidoff Malito & Hutcher, LLP
3 605 Third Avenue
4 New York, New York 10158
Attorneys for Merchants T & F, Inc.

5 William McKenna
6 1863 Filbert Street
7 San Francisco, CA 94123-3607

8 Richard R. Thomas, Esq.
9 Thomas Schern Richardson, PLLC
10 1640 South Stapley Drive, Suite 205
11 Mesa, Arizona 85204
Attorneys for Creditors - Hillary Mickell Chierici and
Francisco Chierici and Alene Kornfield

12 John M. McCoy III, Esq.
13 Sarah D. Moyed, Esq.
14 Ean H. Estep, Esq.
15 U.S. Securities and Exchange Commission
16 5670 Wilshire Blvd., Suite 1100
Los Angeles, CA 90036-3648
Attorneys for Los Angeles Regional Office of U.S. Securities and Exchange

17 John G. Sinodis, Esq.
18 Craig J. Bolton, Esq.
19 Jennings, Haug & Cunningham, LLP
20 2800 North Central Avenue, Suite 1800
Phoenix, Arizona 85004-1049

21 Mark D. Chernoff, Esq.
22 Lavoy & Chernoff, PC
23 201 North Central Avenue, Suite 3300
24 Phoenix, Arizona 85004-1052
Attorneys for Rosenthals

1 Randy A. McCaskill, Esq.
2 Alvarez & Gilbert, PLLC
3 14500 N. Northsight Blvd., Suite 216
4 Scottsdale, AZ 85260
Attorneys for Friedmans

5 Michael D. Kimerer, Esq.
6 Kimerer & Derrick, PC
7 221 East Indianola Avenue
Phoenix, Arizona 85012-2002

8 Lawrence D. Hirsch, Esq.
9 DeConcini, McDonald, Yetwin & Lacey
10 7310 North 16th Street, Suite 330
Phoenix, Arizona 85020

11 Howard S. Fredman, Esq.
12 Fredman/Lieberman, LLP
13 1875 Century Park East, Suite 2200
14 Los Angeles, California 90067-2523

15 Paul Pettine, Esq.
16 1006 Santa Barbara Street
17 Santa Barbara, CA 93101
Attorneys for Gregory Adam Young

18 Stephen E. Silver
19 Silver Law PLC
20 4800 N. Scottsdale Road, Sixth Floor
21 Scottsdale, Arizona 85251
Attorneys for George Stern, Irene Stern & Steven Malka-Stern

22 Kevin J. Blakley, Esq.
23 Gammage & Burnham, PLLC
24 Two North Central Avenue, 18th Floor
25 Phoenix, Arizona 85004
26 Attorneys for George and Irene Stern and Steven Malka-Stern

1 William Novotny, Esq.
2 Mariscal, Weeks, McIntyre & Friedlander, PA
3 2901 N. Central Avenue, Suite 200
4 Phoenix, Arizona 85012-2705
Attorneys for Carl Farless & Laurie Farless

5 Richard Maltz
6 David R. Maltz & Co., Inc.
7 155 Terminal Drive
Plainview, NY 11803

8 George O. Richardson, III, Esq.
9 Emily A. Samuels, Esq.
10 1290 Avenue of the Americas, 29th Floor
11 New York, New York 10104
Attorneys for Judgment Creditor William E. McKenna

12 Andrea M. Palmer, Esq.
13 Ryley Carlock & Applewhite
14 One North Central Avenue, Suite 1200
15 Phoenix, Arizona 85004
Attorneys for Debtor

16 Jeremy T. Bergstrom, Esq.
17 Miles, Bauer, Bergstrom & Winters, LLP
18 2200 Paseo Verde Parkway, Suite 250
19 Henderson, NV 89052
Attorneys for Secured Creditor BAC Home Loans Servicing

20 Estate of Michael Wise
21 9436 Hartens Creek
Cincinnati, OH 45242

22 Thomas C. Axelsen, Esq.
23 Sherman & Howard, LLC
24 2800 North Central Avenue, Suite 1100
25 Phoenix, Arizona 85004-1043
Attorneys for Attilio and Laurel Armeni

26 
/s/ Lisa Harnack

May 6, 2010

LOST ASSET RECOVERY AGREEMENT

Between *Prior and Associates* and Dan Wise (bankruptcy estate), pertaining to lost funds worth approximately **\$54,000.**

In consideration of *Prior and Associates* bringing to my attention a certain asset to which I have an interest;

1. And In consideration of *Prior and Associate's* work to date and of its further efforts on my behalf I do hereby agree to assign and transfer to *Prior and Associates* **10% (TEN PERCENT)** of the proceeds I receive from such claim.
2. *If this claim is not paid out as a result of Prior and Associate's efforts, the undersigned is under no obligation to Prior and Associates for any expense it has incurred or any service it has rendered.*
3. The check for these funds will come directly to me. I will be obliged to pay *Prior and Associates* **10%** commission.
4. **There will be no up-front money required by the undersigned to recover this asset.**

SIGNED _____

DATE _____

EXHIBIT A

191 University Blvd, #373
Denver, CO 80206
303-777-5235

TOLL FREE
800-883-5870
Fax 303-777-5164
edwardpr@aol.com

3442 Bayshore Blvd. N.E.
St. Petersburg, FL 33703
727-526-4447